UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,743	03/21/2000	Steven Jeromy Carriere	57921/107	7120

7590	03/31/2005

GLENN PATENT GROUP
3475 EDISON WAY
SUITE L
MENLO PARK, CA 94025

EXAMINER
MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2003*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _17_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5/13/03 has been entered.

Amendment

2.   Applicant's submittal of an amendment filed 5/13/03 was entered, wherein:

claims 1-27 are pending and

claims 1, 9, and 23 have been amended.

Information Disclosure Statement

3.   Applicant's submission of and IDS on 5/13/03 is acknowledged and has been considered

as indicated by the signed copy of the attached PTO-1449. It is noted that Cite No. B to Krane is

a duplicate of previously considered IDS (7/31/00) and was not initialed for second time.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-4, 7, 9-15, 17-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No. 5,799,063 (Krane).

In regards to independent **claim 1**, Krane discloses a method of funneling user responses

in a voice portal system to determine a desired item or service (see column 6, line 40-44), the

method comprising: **(a)** establishing an attribute value (stored in index means 100; see column 3,

lines 43-52) associated with a particular attribute of a desired item or service; **(b)** determining if

the attribute value satisfies an end state, wherein if the end state is not satisfied, performing steps

(a) and (b) with a new particular attribute; **[claim 2]** the step of establishing an attribute value

associated with a particular attribute of a desired item or service comprises assigning a user

preference to the attribute value (see column 5, line 62-column 6, line 3); **[claim 3]** the step of

establishing an attribute value associated with a particular attribute of a desired item or service

comprises: establishing an attribute vocabulary set (for example the user verbally enters the

command "Yahoo" to get to YAHOO's (TM) services; see column 5, line 49) related to a

particular attribute of a desired item or service; querying the user (see column 5, line 39-43) for

an attribute associated with the particular attribute, the attribute value being a member of the

attribute vocabulary set; identifying the attribute value given by the user; **[claim 4]** the step of

establishing an attribute vocabulary set comprises providing a group of possible verbal responses

(inherent feature of systems that utilize voice recognition) to a query on an attribute of a desired

item or service; and **[claim 7]** the step of identifying the attribute comprises setting a preference

for the attribute (a user can set a preference, for example, favorite Talk Web sites; see column 5,

line 62-65).

In regards to independent **claim 9**, Krane discloses a system for funneling voice portal user responses to determine a desired item or service, the system comprising: a user interface (VRU and link interface, 3 and 7); a database (server 2, see column 6, lines 28-39) coupled to the user interface (3, 7), the user interface (3, 7) coordinating communications with a user, the database (2) storing information regarding attributes, attribute vocabulary sets, and Internet-based information (stored in index means 100); whereby the user interface (3, 7) established an attribute value associated with a particular attribute of a desired item or service and determines if the attribute value identified satisfies and end state; **[claim 10]** the user interface (3, 7) assigns a user preference to the attribute value (see column 5, line 62-column 6, line 3); **[claim 11]** the user interface (3, 7) established an attribute vocabulary set related to particular attribute of a desired item or service (for example the user verbally enters the command "Yahoo" to get to YAHOO's (TM) services; see column 5, line 49), queries the user (see column 5, line 39-43) for an attribute value associated with the particular attribute, and identifies the attribute value given by the user; **[claim 12]** the database (2) store preferences of the user; **[claim 13]** a customer management subsystem to store user related information (for example, "User Favorite Talk Web Sites", see column 5, line 62-column 6, line 3); **[claim 14]** the customer management subsystem records user responses to queries from the user interface (see column 5, line 62-column 6,line 3); **[claim 15]** the user interface (3, 7) communicates with a user using voice ("Voice Commands", see column 5, line 54).

In regards to independent **claim 17**, Krane discloses a voice portal configured to funnel user responses to determine a desired item or service, the voice portal comprising: means (100) for performing the steps of: **(a)** establishing an attribute value associated with a particular

attribute or a desired item or service; means (see column 3, lines 42-57) for performing the step

of (b) determining if the attribute value satisfies and end state, wherein if the end state is not

satisfied, performing steps (a) and (b) with a new particular attribute (see column 3, lines 42-57);

[claim 20] means for setting a user preference (for example, "User Favorite Talk Web Sites", see

column 5, line 62-column 6, line 3); [claim 21] means for recording user responses (via VRU).

It is noted that claims 18 and 19 are similar to claims 3 and 2, respectively, which are discussed

in detail (see above).

Independent claim 23 and claims 24-26 are rejected for reasons set forth above in detail

for similar claims 1 and 2-4. It is noted that claim 1 and claim 23 are both product claims.

Additionally, it is noted that Krane's system utilizes a computer program product comprising

computer readable program code. Krane's computer program product is the system shown in

Figure 1. In regards to claim 27, Krane discloses a product including a computer readable

program code for defining a user preference (for example, "User Favorite Talk Web Sites", see

column 5, line 62-column 6, line 3) based on user responses ("Mark", see column 5, line 63).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 5, 6, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krane

in view of U.S. Patent No. 6,272,455 (Hoshen et al.).

In regards to **claims 5 and 22**, Krane discloses all of the claimed steps as set forth above, but fails to disclose the step of identifying an attribute value given by the user comprises providing fallback queries to query the user further for an attribute value which is in the attribute vocabulary set; **[claim 6]** and the step of providing fallback queries comprises asking the user for at least one substitute attributes for the particular attribute of a desired item or service.

Hoshen et al. teaches the use of system and method of identifying an attribute value given by the user comprises providing fallback queries (see column 4, lines 15-38) to query the user further for an attribute value which is in the attribute vocabulary set; and the step of providing fallback queries comprises asking the user (see column 4, lines 36-38) for at least one substitute attributes for the particular attribute of a desired item or service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with fallback query of Hoshen et al., because the use of a fallback query allows the system to continue when an unknown response is given, wherein improving accuracy and efficiency of the system.

8.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of U.S. Patent No. 6,400,806 (Uppaluru).

In regards to claim 8, Krane discloses all of the claimed steps as set forth above except for the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest.

Uppaluru teaches the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest. For example, Figure 3 shows Uppaluru's "Personal Voice Web Services Pages". It is noted that

element (308), Attributes and Preferences Page, serves as a global preference that is applied to

the plurality of domains listed below it.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Krane with global preferences taught by Uppaluru, because using global

preferences allows the user to customize his/her voice web service to more efficiently meet his or

her voice web needs.

9.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of

U.S. Patent No. 6,401,085 (Gershman et al.).

In regards to **claim 16**, Krane discloses all the claimed elements of the system in claim 9,

but fails to disclose a user interface that utilizes a wireless application protocol (WAP) platform.

Gershman et al. teaches the use of a user interface that utilizes a wireless application

protocol (WAP) platform (column 2, lines 6-18).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Krane with use of WAP as taught by Gershman et al., because the use of

WAP will allow the user to access voice web services from various locations without and

therefore increasing the user's ability to connect to the web.

Response to Arguments

10.   Applicant's arguments filed May 13, 2003 have been fully considered but they are not

persuasive.

On page 3, Applicant argues that there is no teaching in Krane of "determining if the

attribute satisfies an end state, wherein if the end state is not satistified, performing steps (a) and

(b) with a new particular attribute". Applicant is arguing a conditional limitation. It is noted

that Krane determines "if the attribute satisfies an end state" (see user selection in column 5,

lines 39-51). Krane's system and method allows for alternative items or services to be selected

if a first selection is undesired (see column 5, lines 47-51). Applicant also argues that Krane's

system does execute steps (a) and (b) by the portal software. The Examiner respectfully

disagrees. Krane's portal software determines the available service items and present them to the

user (see column 5, lines 39-51). If the user fails to provide an attribute (voice recognition

indicating a selection), then Krane's system provides an additional option or selection (see

column 5, lines 39-51).

On page 4, Applicant argues newly amended claim 1 includes a limitation not disclosed

by Krane, "steps (a) and (b) comprise a single query". The Examiner respectfully disagrees.

During a user selection, Krane's system determines an end state (has the user made a selection),

and if not the system provides another possible selection all in a single query (see column 5, lines

39-51).

Arguments on page 4 related to claim 9 are similar to arguments previously presented for

claim 1 and have been addressed above in detail. Arguments on page 5 related to claim 17 are

similar to arguments previously presented for claim 1 and have been addressed above in detail.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212 until

April 13, 2005. After April 13, 2005, the Examiner can be reached at (571) 272-6786. The

examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.
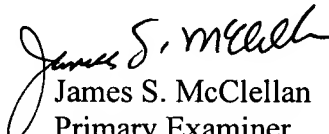
Any response to this action should be mailed to:

> Commissioner of Patent and Trademarks
> Washington D.C. 20231

or faxed to:

> (703) 872-9306 (Official communications) or
> (703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington, VA, 7th floor receptionist.

James S. McClellan
Primary Examiner
A.U. 3627

jsm
March 18, 2005